

APPEAL NO. 032046A
FILED OCTOBER 2, 2003

The movant (claimant) filed this motion for reconsideration by facsimile transmission (fax) on September 22, 2003. The appeal it concerns arose pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 18, 2003. The hearing officer determined that the claimant was not entitled to supplemental income benefits (SIBs) for the first and second quarters. The claimant appealed, contending that she was entitled to SIBs because her total inability to work in any capacity satisfied the good faith effort to obtain employment commensurate with her ability to work. The respondent (carrier) responded, urging affirmance.

In the Appeals Panel decision in Texas Workers' Compensation Commission Appeal No. 032046, decided September 2, 2003, the Appeals Panel determined that the claimant did not file or fax her appeal within the time period required by the 1989 Act and Texas Workers' Compensation Commission (Commission) rules. Therefore, the appeal did not invoke the Appeals Panel's jurisdiction and the hearing officer's decision and order became final pursuant to Section 410.169.

In her motion for reconsideration the claimant asked the Appeals Panel to reconsider its conclusion that her appeal was untimely and attached copies of certified mail receipts showing that a separate mailed appeal had been timely mailed to, and received by, the Commission in accordance with Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 143.3(c) (Rule 143.3(c)).

Our review of the appeal file fails to disclose a copy of any mailed request for review or appeal. More importantly, however, and dispositive, is the fact that the 1989 Act does not provide for reconsideration of Appeals Panel decisions. Texas Workers' Compensation Commission Appeal No. 001610, decided July 14, 2000. We are cognizant that prior to Appeal No. 001610 the Appeals Panel had considered motions for reconsideration when they dealt with matters set forth in Sections 410.202 and 410.203, including matters where there was evidence showing that what appeared to be an untimely appeal was, in fact, timely. However, as we stated in Appeal No. 001610, we decline to follow those prior cases on the basis that we do not have any authority to consider the claimant's request for reconsideration.

Nonetheless, our review of the record indicates that the hearing officer properly analyzed and applied Rule 130.102(d)(4) which requires a narrative report from a doctor which specifically explains how the injury causes a total inability to work.

Accordingly, the claimant's motion for reconsideration is denied.

The true corporate name of the insurance carrier is **GENERAL ACCIDENT INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**C. J. FIELDS
5910 NORTH CENTRAL EXPRESSWAY
DALLAS, TEXAS 75206.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Gary L. Kilgore
Appeals Judge